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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,388	06/30/2000	Robert A Knee	UV-156	9475

7590 03/13/2006
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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,388

Applicant(s)

KNEE ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-120 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 17-23, 25-31, 38-52, 59-64, 66-72, 79-92, 99-103, 105-111 and 118-120 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Alexander et al. (U.S. Patent No. 6,177,931).

Referring to claim 1, Alexander discloses a method for using an interactive television program guide to automatically tune user equipment to a given television

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channel when the user equipment is turned on (see Column 7, Lines 3-17 for overriding an EPG Grid Guide default mode by setting the EPG to automatically tune to a particular channel when the television is turned on).

Alexander also discloses monitoring the television viewing habits of the user with the interactive television program guide (see Column 28, Lines 30-67 for various methods of collecting/monitoring the television viewing habits of the user, wherein the user interacts with an EPG).

Alexander also discloses receiving a user command to turn on the user equipment (see Column 30, Lines 64-65 for turning the television on).

Alexander also discloses that when the user equipment is turned on, automatically tuning the user equipment to the given television channel such that the given television channel is the initial channel tuned to when the user equipment is turned on, wherein the interactive television program guide selects the given television channel based on the monitored television viewing habits of the user (see Column 30, Line 59 through Column 31, Line 8 for tuning to an initial television channel when the television is turned on, according to the viewing habits (in the viewer profile) of the user).

Referring to claim 2, Alexander discloses that the user equipment includes a set top box (see Column 3, Lines 23-25 for the user equipment including a cable box (set top box)), the method further comprising using the interactive television program guide

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to tune the set top box to the given television channel when the set top box is turned on (see the rejection of claim 1).

Referring to claim 3, Alexander discloses that the user equipment includes a digital video recorder (see Column 12, Lines 10-20 for the user equipment being capable of recording programs on a digital video disc, therefore the user equipment includes a digital video recorder), the method further comprising using the interactive television program guide to tune the digital video recorder to the given television channel when the digital video recorder is turned on (see the rejection of claim 1).

Referring to claim 4, Alexander discloses that the user equipment includes a personal computer (see Column 4, Lines 21-53 for the hardware containing a processor and memory, therefore providing a personal computer), the method further comprising using the interactive television program guide to tune the personal computer to the given television channel when the personal computer is turned on (see the rejection of claim 1).

Referring to claim 5, Alexander discloses displaying an interactive menu on the user equipment (see Figure 1) that includes options that allow the user to invoke at least the interactive television program guide (see option 20 in Figure 1) and a video-on-demand application (see Column 27, Lines 36-39 for receiving on-demand, a video clip about a product being advertised).

Referring to claim 6, Alexander discloses providing television program reminders to the user based on the monitored television viewing habits of the user (see Column 31, Lines 25-33 for using the viewer profile to populate the Watch List and Column 9, Line 64 through Column 10, Line 29 for a description of how the watch list provides television program reminders).

Referring to claim 7, Alexander discloses that monitoring the television viewing habits of the user comprises monitoring the television viewing habits of the user by monitoring the time and by monitoring the channels tuned to by the user with the interactive television program guide (see Column 28, Lines 30-44).

Referring to claim 8, Alexander discloses that monitoring the television viewing habits of the user comprises storing information on the television viewing habits of the user in a history database (see Column 29, Lines 14-21).

Referring to claim 9, see the rejection of claims 7 and 8.

Referring to claim 10, see the rejection of claims 7 and 8.

Referring to claim 17, Alexander discloses using the interactive program guide to automatically tune the user equipment to the given channel based on at least partially

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on the current time (see Column 30, Lines 61-67 for automatically tuning based on a specific time period).

Referring to claim 18, Alexander discloses using the interactive television program guide to automatically tune the user equipment to the preferred television channel when the user equipment is turned on (see the rejection of claim 1).

Referring to claim 19, Alexander discloses using the interactive television program guide to automatically tune the user equipment to a television channel that is airing programming in the preferred television genre when the user equipment is turned on (see again Column 30, Lines 61-67).

Referring to claim 20, Alexander discloses monitoring the user's interactions with the interactive television program guide and using the interactive television program guide to automatically tune the user equipment to the given television channel based on the user's interactions with the interactive television program guide (see the rejection of claim 1).

Referring to claim 21, Alexander discloses allowing the user to adjust settings in the interactive television program guide (see Column 28, Lines 46-49).

Alexander discloses using the interactive television program guide to automatically tune the user equipment to the given television channel based on at least some of the settings (see Column 31, Lines 25-33).

Referring to claim 22, see the rejection of claim 1 and further note that Alexander teaches control circuitry (see Column 5, Lines 21-25), a display (see Column 3, Lines 3-7) and a user input interface (see Column 3, Lines 23-25).

Referring to claim 23, see the rejection of claim 2.

Referring to claims 25 -31, see the rejection of claims 4-10, respectively.

Referring to claims 38-42, see the rejection of claims 17-21, respectively.

Referring to claim 43, see the rejection of claims 1 and 21.

Referring to claims 44-52, see the rejection of claims 2-10, respectively.

Referring to claims 59-62, see the rejection of claims 17-20, respectively.

Referring to claim 63, see the rejection of claim 43.

Referring to claim 64, see the rejection of claim 2.

Referring to claims 66-72, see the rejection of claims 4-10, respectively.

Referring to claims 79-82, see the rejection of claims 17-20, respectively.

Referring to claims 83-92, see the rejection of claims 1-10, respectively.

Referring to claims 99-101, see the rejection of claims 17-19, respectively.

Referring to claims 102-103, see the rejection of claims 1-2, respectively.

Referring to claims 105-111, see the rejection of claims 4-10, respectively.

Referring to claims 118-120, see the rejection of claims 17-19, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24, 65 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931).

Referring to claim 24, Alexander discloses all of the limitations of claim 1, as well as a digital video recorder (see the rejection of claim 3), but fails to teach a digital video recorder with a hard disk drive.

The examiner notes that personal video recorders are notoriously well known in the art.

The examiner therefore takes Official Notice of the use of a person video recorder instead of a basic cable box, as taught by Alexander.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the cable box, as taught by Alexander, with the functionality (hard disk drive) of a personal video recorder for the purpose of allowing a user to record television programs locally to therefore provide immediate playback of television programs the viewer had missed.

Referring to claims 65 and 104, see the rejection of claim 24.

4. Claims 11-16, 31-37, 53-58, 73-78, 93-98 and 112-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent No. 6,177,931) in view of Hendricks et al. (U.S. Patent No. 5,600,573).

Referring to claims 11-16, Alexander discloses all of the limitations of claim 1, as well as, the program guide listings being provided from a program listings source (), but fails to teach the television distribution network containing the user equipment connected to a television distribution facility that receives program listings from a program listings source.

Hendricks discloses a television program distribution system in Figure 1. The system includes a program listings source 202, that provides programs and program listings to a television distribution facility 208 and distributes the program listings and programs to user equipment 220 (see again Figure 1 and Column 7, Lines 6-8 and Lines 30-41 and Column 8, Lines 6-11 and Lines 30-39). The examiner further notes that the program listings are transmitted to the user equipment 220 from the television distribution facility 208 using a communications path 210, which can include either a wireless path, cable path or a satellite path (see Column 6, Lines 37-43).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program listings reception system, as taught by Alexander, using the television distribution system, as taught by Hendricks, for the

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purpose of efficiently organizing television programs to be offered to viewers (see Column 4, Lines 40-42 of Hendricks).

Referring to claims 31-37, see the rejection of claims 11-16, respectively.

Referring to claims 53-58, see the rejection of claims 11-16, respectively.

Referring to claims 93-98, see the rejection of claims 11-16, respectively.

Referring to claims 112-117, see the rejection of claims 11-16, respectively.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

March 7, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the printed name and title.